

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:08-CV-557-FDW

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|-------------------------------|---|-----------------|
| In re: |) | |
| |) | |
| FREDDIE McCOLLUM, JR., |) | CONTEMPT |
| |) | ORDER |
| Debtor. |) | |
| |) | |

THIS MATTER comes before the Court by Order of United States Bankruptcy Judge George R. Hodges certifying civil contempt and recommending withdrawal of reference (Doc. No. 1).

The facts certified by the bankruptcy judge demonstrate that the Debtor has given false testimony concerning the whereabouts of two vehicles that are the property of the bankruptcy estate; has deliberately disobeyed orders of the bankruptcy court requiring the return said vehicles to the secured creditor; and has failed to appear before the court on numerous occasions, including when specifically ordered to appear and show cause why he should not be held in contempt. These certified facts establish a prima facie case of willful contempt, which findings this Court hereby adopts until such time as a full hearing on the matter can be scheduled before the undersigned.


Based on the Debtor's demonstrated refusal to obey court orders and attend scheduled hearings, this Court deems it appropriate to issue a bench warrant for Debtor's arrest. Upon execution of the warrant, the Marshal shall without unreasonable delay bring Debtor before the undersigned for hearing, at which time he will be given an opportunity to cure his contempt or show cause why he should not be held further in contempt and/or subject to additional sanctions.

IT IS NOW, THEREFORE, ORDERED that the reference of this matter is WITHDRAWN from the Bankruptcy Court for purposes of the above-referenced contempt proceedings. A bench

warrant for Debtor's arrest shall issue separately.

IT IS SO ORDERED.

Signed: December 5, 2008



Frank D. Whitney
United States District Judge

